

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

Peter Ashey

Case No.:

15-21296

Judge:

Christine M.Gravelle

Chapter:

13

Debtor(s)

**Chapter 13 Plan and Motions**

Original

Modified/Notice Required

Discharge Sought

Motions Included

Modified/No Notice Required

No Discharge Sought

Date: 9/6/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 8164.00 plus\* per month to the Chapter 13 Trustee, starting on 10/1/2016 for approximately 45 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.  Other information that may be important relating to the payment and length of plan:

\* \$57,325.61 previously paid into Chapter 13 trustee to 8/29/2016 trustee. Balance of Total claims are \$ 295,940.00. With 7.4% trustee compensation included debtor estimates balance to complete as \$ 317,839.79 over 45 months or \$7,063.00 for 45 months. Trustee's notes show \$8,164 /month to capitalize plan.

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \$4303/1618 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Wells Fargo/ USBank or Bayview (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Albert Russo Ch 13 trustee William Wolfson Esq. Debtor's counsel	admin. 507(a) admin. 507(a)	7.4% of funds handled. \$3500 and fee orders previously paid. Plus any additional fee orders granted in the future after notice and hearing.

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo	debtor's home	293,471.15 less payments received	6.75%	\$293,471.plus interest	\$4,303.18 plus changes for escrow adjustments annually \$1,618.00 plus changes for escrow adjustments annually
Bayview Loan Servicing	Debtor's mother's home	\$29,822.81	8.625%	29,822.81 plus interest	

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Asset Acceptance LLC (claim filed by Midland Credit Management)	judgment	2,491.02	\$550,000	629,671.00	-0-	-0-	2,491.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
n/a			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 Not less than \_\_\_\_\_ 100 percent  
 *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Asset Acceptance LLC (claim filed by Midland Credit Management)	judicial lien debtor's home	judicial lien	\$2,491.02	550,000	21,625.00	629,671.00	\$2,491.02

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Asset Acceptance LLC (claim filed by Midland Credit Management)	judicial lien debtor's home	\$2,491.02

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

- Upon confirmation
- Upon discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) counsel fees and costs as allowed
- 3) Wells Fargo first mortgage debtor's home
- 4) Bayview Mortgage 5.) General unsecured claims without priority

##### d. Post-Petition Claims

The Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 12/1/2015.

Explain below <b>why</b> the plan is being modified:  Claims filed for less than debtor anticipated.  Previously expect sale of business did not occur and contracts not signed.  capitalized post petition arrears to trustee, Capitalization of arrears per 11 USC 1322(b)(3),11 USC 1329(a), and 11 USC 1323 (a)  corrected Wells Fargo first mortgage arrears at time of filing to lesser amount in its proof of claim,	Explain below <b>how</b> the plan is being modified:  adjusted payments to amount trustee indicates is needed, indicated amounts previously paid into plan.  clarified that Asset Acceptance's judgment was embedded in a proof of claim filed by Midland Management
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Are Schedules I and J being filed simultaneously with this Modified Plan?  Yes  No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 9 6 2016

/s/ William S.Wolfson

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 9 6 2016

/s/Peter Ashey

Debtor

Date: \_\_\_\_\_

Joint Debtor

**Certificate of Notice Page 8 of 9**  
**United States Bankruptcy Court**  
**District of New Jersey**

In re:  
Peter Ashey  
Debtor

Case No. 15-21296-CMG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 25

Date Rcvd: Sep 07, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2016.

db +Peter Ashey, 9 Midvale Drive, Pittstown, NJ 08867-4240  
cr +Division of Taxation, State of New Jersey, P.O. Box 245, Trenton, NJ 08695-0245  
cr +U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCES, Phelan Hallinan & Schmieg, PC,  
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
cr +WELLS FARGO BANK, N.A. AS SERVICER FOR U.S. BANK N., Phelan Hallinan & Schmieg, PC,  
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
515639973 +American Express, Attn:Managing Agent/President, PO Box 3001, 16 General Warren Blvd.,  
Malvern, PA 19355-1245  
515639974 +American Express Bank, c/o Jaffe & Asher, Attn: Joshua Reitzas, Esq., 1107 Goffle Road,  
Hawthorne, NJ 07506-2000  
515665075 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
515570544 +Barclay Card/Asset Acceptance LLC, Attn: Bankruptcy Dept., PO Box 2036,  
Warren, MI 48090-2036  
515579061 +Midland Credit Management, Inc., as agent for Asset Acceptance LLC, PO Box 2036,  
Warren, MI 48090-2036  
515570548 ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366  
(address filed with court: Nissan-Infiniti Lt, Attn: Bankruptcy, 8900 Freeport Parkway,  
Irving, TX 75063)  
515570550 +NJ Motor Vehicle Commission, Surcharge Administration Office, PO Box 136,  
Trenton, NJ 08601-0136  
515570549 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: NJ Division of Taxation, 50 Barracks Street, PO Box 269,  
Trenton, NJ 08695)  
515570551 +Santander Consumer USA, PO Box 961245, Ft Worth, TX 76161-0244  
515592569 +Santander Consumer USA Inc, P.O. Box 560284, Dallas, TX 75356-0284  
515790443 +U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, et.al., WELLS FARGO BANK, N.A.,  
ATTENTION: BANKRUPTCY DEPARTMENT, MAC #D3347-014, 3476 STATEVIEW Boulevard,  
FORT MILL, SC 29715-7203  
515570553 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,  
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203  
(address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir.,  
Frederick, MD 21701)  
515570552 +Wells Fargo Bank NV NA, Attn: Deposits BK MAC#P6103-05K, PO Box 3908,  
Portland, OR 97208-3908  
515789394 Wells Fargo Bank, N.A., Home Equity Group, 1 Home Campus X2303-01A,  
Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 07 2016 22:32:40 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Sep 07 2016 22:32:39 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
515570545 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Sep 07 2016 22:32:58  
Bayview Financial Loan, 4425 Ponce De Leon Blvd, Coral Gables, FL 33146-1873  
515772878 +E-mail/Text: camanagement@mtb.com Sep 07 2016 22:32:30  
Bayview Loan Servicing, LLC, a Delaware Limited Li, C/O M&T BANK, PO BOX 840,  
Buffalo, NY 14240-0840  
515570546 +E-mail/Text: creditonetbknotifications@resurgent.com Sep 07 2016 22:31:55 Credit One Bank NA,  
PO Box 98873, Las Vegas, NV 89193-8873  
515570547 +E-mail/Text: cio.bncmail@irs.gov Sep 07 2016 22:32:17 Internal Revenue Service,  
PO Box 7346, Philadelphia, PA 19101-7346  
515701707 E-mail/PDF: resurgentbknotifications@resurgent.com Sep 07 2016 22:33:41  
LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,  
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

515721732\* American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
515644373\* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,  
Trenton, NJ 08695-0245)

TOTALS: 0, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Sep 07, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 09, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 6, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Alexandra T. Garcia on behalf of Creditor BAYVIEW LOAN SERVICING, LLC NJECFMAIL@mwc-law.com  
Alexandra T. Garcia on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY NJECFMAIL@mwc-law.com  
Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing NJECFMAIL@mwc-law.com  
Andrew L. Spivack on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR 2003- 7F nj.bkecf@fedphe.com  
Celine P. Derkrikorian on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY njecfmail@mwc-law.com  
Denise E. Carlon on behalf of Creditor Bayview Loan Servicing bankruptcynotice@zuckergoldberg.com, bkgroup@kmllawgroup.com  
Denise E. Carlon on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcynotice@zuckergoldberg.com, bkgroup@kmllawgroup.com  
John Philip Schneider on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR 2003- 7F nj.bkecf@fedphe.com  
John Philip Schneider on behalf of Creditor WELLS FARGO BANK, N.A. AS SERVICER FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR GSR 2003-7F nj.bkecf@fedphe.com  
Joshua I. Goldman on behalf of Creditor Bayview Loan Servicing jgoldman@kmllawgroup.com, bkgroup@kmllawgroup.com  
Paul V. Buonaguro on behalf of Creditor Division of Taxation, State of New Jersey paul.buonaguro@dol.lps.state.nj.us  
R. A. Lebron on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcy@feinsuch.com  
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com  
William S. Wolfson on behalf of Debtor Peter Ashey wwolfsonlaw@comcast.net, liza.wwolfsonlaw@comcast.net

TOTAL: 18